

REMARKS

Amendments

Claim 43 is amended to correct an obvious typographical error in dependency. New claim 48 is directed to a method of treating cancer using a compound of claim 39. New claims 49-61 are directed to further aspects of applicants' invention.

Election

In response to the Restriction Requirement, applicants' hereby elect Group IV, claim 39. With respect to the election of species, applicants hereby elect compound #21 (see page 21). However, reconsideration of the Restriction Requirement is respectfully requested.

Firstly, new claim 48 is directed to a method of using a compound of claim 39. Upon determination that claim 39 is allowed, claim 48 should also be allowable. Thus, examination of claim 48 with the elected invention will not impose any serious burden.

Group I is directed to a method of treating cancer using a compound selected from a genus which encompasses claim 39. Thus, the searches required for these two groups will necessarily overlap significantly. Examination of the claims of Group I with the elected invention is respectfully requested.

Group II is said to be drawn to an assay. This characterization is inaccurate. The claims of this Group are clearly directed to a method of treating cancer, which is evident from their preambles. These claims should be grouped with Group I.

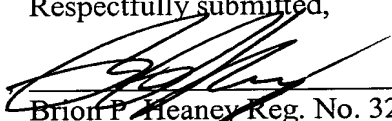
The claims of Group III and Group VII are directed to use of troxacitabine derivatives with lipophilicity. These claims should be grouped together.

Moreover, all of the claims are related in that they are directed to methods of treating cancer and compounds for use in such methods. Due to the overall relationship of the claimed subject matter, it is respectfully submitted that these claims should be examined together. Withdrawal of the Restriction is respectfully requested.

As a final note, in the Information Disclosure Statement of January 23, 2003, in the section titled Additional Information, the filing dates listed for Serial Nos. 60/126,734 and 60/126,813 were incorrect. The correct filing dates are March 29, 1999, and March 30, 1999, respectively.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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Attorney Docket No.: PHARMA-123

Date: April 28, 2003

VERSION WITH MARKINGS TO SHOW CHANGES MADE
IN THE CLAIMS:

Please amend the claims as follows:

--43. A method according to claim 42 4, wherein said cancer cells are deficient in one or more nucleobase transporter proteins.--